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Oct 1975  
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# ISSUANCES

of the

Meat and Poultry Inspection Program

October 1979



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UNITED STATES DEPARTMENT OF AGRICULTURE  
Food Safety and Quality Service  
Meat and Poultry Inspection Program  
Washington, D.C. 20250





UNITED STATES DEPARTMENT OF AGRICULTURE  
FOOD SAFETY AND QUALITY SERVICE  
MEAT AND POULTRY INSPECTION PROGRAM  
WASHINGTON, D.C. 20250

MEAT AND POULTRY INSPECTION REGULATIONS

OCTOBER 1979

CHANGE: 79-10

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PEN-AND-INK CHANGE:

In the charts on pages 102 and 103 of the meat inspection regulations, change "THBQ" under the "Substance" heading to read "TBHQ".



§ 329.7 Procedure for seizure, condemnation, and disposition.

Any article or livestock subject to seizure and condemnation under this part shall be liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any United States district court, or other proper court specified in section 404 of the Act, within the jurisdiction of which the article or livestock is found.

§ 329.8 Authority for condemnation or seizure under other provisions of law.

The provisions of this part relating to seizure, condemnation and disposition of articles or livestock do not derogate from authority for condemnation or seizure conferred by other provisions of the Act, or other laws.

§ 329.9 Criminal offenses.

The Act contains criminal provisions with respect to numerous offenses specified in the Act, including but not limited to bribery of Program employees, receipt of gifts by Program employees, and forcible assaults on, or other interference with, Program employees while engaged in, or on account of, the performance of their official duties under the Act.

PART 330-(RESERVED)

PART 331-SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES;  
AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH  
AND FOR SUCH DESIGNATED ESTABLISHMENTS

AUTHORITY: The provisions of this Part 331 issued under secs. 21, 301, 81 Stat. 584, 588, 592, 593, 595; 21 U.S.C. 621, 661.

SOURCE: The provisions of this Part 331 appear at 35 F.R. 1967, Dec. 29, 1970, unless otherwise noted.

§ 331.1 Definition of "State".

For purposes of this Part, the term "State" means any State (including the Commonwealth of Puerto Rico) or organized Territory.

§ 331.2 Designation of States under paragraph 301(c) of the Act.

Each of the following States has been designated, under paragraph 301(c) of the Act, as a State in which the provisions of Titles I and IV of the Act shall apply to operations and transactions wholly within such State. The Federal provisions apply, effective on the dates shown below:

Effective date of application  
of Federal provisions

California.....	April 1, 1976
Colorado.....	July 1, 1975
Connecticut.....	October 1, 1975
Guam.....	January 21, 1972



(§ 331.2 continued)

Kentucky.....	January 14, 1972
Massachusetts.....	January 12, 1976
Minnesota.....	May 16, 1971
Missouri.....	August 18, 1972
Montana.....	April 27, 1971
Nebraska.....	October 1, 1971
Nevada.....	July 1, 1973
New Hampshire.....	August 6, 1978
New Jersey.....	July 1, 1975
New York.....	July 16, 1975
North Dakota.....	June 22, 1970
* Northern Marina Islands.....	October 29, 1979 *
Oregon.....	July 1, 1972
Pennsylvania.....	July 17, 1972
Puerto Rico.....	June 18, 1971
Tennessee.....	October 1, 1975
Virgin Islands.....	November 27, 1971
Washington.....	June 1, 1973

§ 331.3 States designated under paragraph 301(c) of the Act; application of regulations.

The provisions of the regulations in this subchapter apply to operations and transactions wholly within each State designated in § 331.2 under paragraph 301(c) of the Act, except as otherwise provided in this section. (The provisions of the regulations apply in all respects to operations and transactions in or for commerce.)

(a) Each establishment, located in such a designated State, which is granted inspection required under § 302.1(a)(2) of this subchapter, shall obtain approval of plant drawings as specified in § 304.2 of this subchapter within 18 months after the designation of the State becomes effective. The establishment, including its facilities shall be placed in compliance with the approved drawings as soon as possible, but not to exceed 36 months after such designation becomes effective. Failure to have drawings approved or to bring the establishment into compliance with such drawings within the time periods specified herein will result in the expiration of the grant of inspection. Inspection will be initially granted to any such establishments only if it is found, upon a combined evaluation of its premises, facilities and operating procedures, to be capable of producing products that are not adulterated or misbranded.

(b) Section 305.2 of this subchapter will apply to establishments required to have inspection under § 302.1(a)(2) of this subchapter, except that existing interconnections between official and unofficial establishments will be permitted if it is determined in specific cases that the interconnections are such that transfer of inedible product into the official establishment would be difficult or unusual, and any such transfers are strictly prohibited, except as permitted under other provisions of this subchapter. It is essential that separation of facilities be maintained to the extent necessary to assure that inedible product does not enter the official establishment contrary to the regulations of this subchapter.

(c) Section 308.4 of this subchapter shall apply to such establishments, except that separate toilet rooms for men and women workers will not be required when the majority of the workers in the establishment are related by blood or marriage, provided that this will not conflict with municipal or State requirements; and except that separation of toilet soil lines from house



(§ 331.5(a) continued)

(1) Any meat or meat food product prepared at the establishment is adulterated in any of the following respects:

(i) It bears or contains a pesticide chemical, food additive, or color additive, that is "unsafe" within the meaning of sections 408, 409, or 706 of the Federal Food, Drug, and Cosmetic Act or was intentionally subjected to radiation in a manner not permitted under section 409 of said Act; or if it bears or contains other added poisonous or added deleterious substance which may render it injurious to health or make it unfit for human food; or

(ii) It consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, or unwholesome or otherwise unfit for human food (for example, it was prepared from meat or other ingredients exhibiting spoilage characteristics; or it is, or was prepared from, a carcass affected with a disease transmissible to humans and its condemnation would be required under Part 309 or 310 of the Federal meat inspection regulations (9 CFR Parts 309, 310) at federally inspected establishments; or it is a ready-to-eat pork product which has not been treated to destroy trichinae as prescribed in § 318.10 of this subchapter for products at federally inspected establishments); or

(iii) It has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to health (for example if insects or vermin are not effectively controlled at the establishments, or insanitary water is used in preparing meat or meat food products for human food); or

(iv) It is, in whole or in part, the product of an animal that died otherwise than by slaughter; or

(v) Its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; and

(2) Such adulterated articles are intended to be or are distributed from the establishment while capable of use as human food.

(b) When any such establishment is identified by a Program inspector as one producing adulterated product, which would clearly endanger public health under the criteria in paragraph (a) of this section, the following procedure will be followed:

(1) The Program inspector will informally advise the operator of the establishment concerning the deficiencies found by him and report his findings to the appropriate Regional Director for the Program. When it is determined by the Regional Director that any establishment preparing products solely for distribution within any State is producing adulterated products for distribution within such State which would clearly endanger the public health, written notification thereof will be issued to the appropriate State officials, including the Governor of the State and the appropriate Advisory Committee, for effective action under State or local law to prevent such endangering of the public health. Such written notification shall clearly specify the deficiencies deemed to result in the production of adulterated products and shall specify a reasonable time for such action under State or local law.

(2) If effective action is not taken under State or local law within the specified time, written notification shall be issued by the Regional Director to the operator of the establishment, specifying the deficiencies involved and allowing him ten days to present his views or make the necessary corrections, and notifying him that failure to correct such deficiencies may result in designation of the establishment and operator thereof as subject to the provisions of titles I and IV of the Act as though engaged in commerce.

(§ 331.5(b) continued)

(3) Thereafter the Program inspector shall survey the establishment and designate it if he determines, in consultation with the Regional Director, that it is producing adulterated products, which would clearly endanger the public health, and formal notice of such designation will be issued to the operator of the establishment by the Regional Director.

(c) Products on hand at the time of designation of an establishment under this section are subject to detention, seizure and condemnation in accordance with Part 329 of this subchapter: Provided, That products that have been federally inspected and so identified and that have not been further prepared at any nonfederally inspected establishment may be released for distribution if the products appear to be not adulterated or misbranded at the time of such release.

(d) No establishment designated under this section can lawfully prepare any products unless it first obtains inspection or qualifies for exemption under § 303.1 of this subchapter. All of the provisions of the regulations shall apply to establishments designated under this section, except that the exceptions provided for in § 331.3 of this part shall apply to such establishments.

§ 331.6 Designation of States under section 205 of the Act; application of sections of the Act and the regulations.

Each of the following States has been designated, effective on the date shown below, under section 205 of the Act, as a State in which the provisions of the sections of the Act and regulations specified below shall apply to operators engaged, other than in or for commerce, in the kinds of business indicated below:

Sections of Act and Regulations	Classes of Operators	State	Effective Date of Designation	
Act, 202; §§ 320.1, 320.2, 320.3, and 320.4.	Persons engaged (not in or for commerce) in (1) the business of slaughtering any livestock or pre- paring, freezing, packaging or labeling, any livestock car- casses or parts or products thereof, for use as human food or animal food; (2) the business of buying or selling (as a meat broker, whole- saler or otherwise), transporting or storing any live- stock carcasses or parts or products	California	4-1-76	
		Colorado	7-1-75	
		Connecticut	10-1-75	
		Guam	11-19-76	
		Kentucky	4-18-73	
		Massachusetts	1-12-76	
		Minnesota	1-31-75	
		Missouri	1-31-75	
		Montana	1-31-75	
		Nebraska	1-31-75	
		Nevada	1-31-75	
		New Hampshire	10-29-79	*
		New Jersey	7-1-75	
		New York	7-16-75	
		North Dakota	7-23-73	
		N. Marina Is.	10-29-79	*
		Oregon	1-31-75	
*		Pennsylvania	5-2-74	
		Puerto Rico	11-19-76	
		Tennessee	10-1-75	
		Virgin Is.	11-19-76	
		Washington	1-31-75	

thereof; or (3)  
business as a  
renderer, or in the  
business of buying,  
selling, or trans-  
porting any dead,  
dying, disabled, or  
diseased livestock  
or parts of carcasses  
of any livestock that  
died otherwise than  
by slaughter.

Act, 203; § 320.5.

Persons engaged (not	California	4-1-76
in or for commerce)	Colorado	7-1-75
in business as a	Connecticut	10-1-75
meat broker; renderer;	Guam	11-19-76
animal food manu-	Kentucky	4-18-75
facturer; whole-	Massachusetts	1-12-76
saler or public	Minnesota	1-31-75
warehouseman of	Missouri	1-31-75
livestock car-	Montana	1-31-75
casses, or parts or	Nebraska	1-31-75
products thereof;	Nevada	1-31-75
or buying, selling,	New Hampshire	10-29-79*
or transporting any	New Jersey	7-1-75
dead, dying, disabled	New York	7-16-75
or diseased live-	North Dakota	7-23-75
stock, or parts	N. Marina Is.	10-29-79*
of carcasses of any	Oregon	1-31-75
such livestock that	Pennsylvania	5-2-74
died otherwise than	Puerto Rico	11-19-76
by slaughter.	Tennessee	10-1-75
	Virgin	
	Islands	11-19-76
	Washington	1-31-75

\*

\*

Act, 204; §§ 325.20  
and 325.21.

Persons engaged (not	Connecticut	10-1-75
in or for commerce)	Guam	11-19-76
in the business of	Kentucky	4-18-73
buying, selling, or	Massachusetts	1-12-76
transporting any	Minnesota	1-31-75
dead, dying, dis-	Montana	1-31-75
abled or diseased	Nevada	1-31-75
animals, or parts	New Hampshire	10-29-79*
of carcasses of	New Jersey	7-1-75
any animals that	New York	7-16-75
died otherwise	North Dakota	7-23-75
than by slaughter.	N. Marina Is.	10-29-79*
	Oregon	1-31-75
	Pennsylvania	5-2-74
	Puerto Rico	11-19-76
	Virgin	
	Islands	11-19-76
	Washington	1-31-75

\*

\*



PART 335-RULES OF PRACTICE GOVERNING PROCEEDINGS  
UNDER THE FEDERAL MEAT INSPECTION ACT

Authority: 34 Stat. 1264, as amended; 21 U.S.C. 621.

Subpart A - General

§ 335.1 Scope and applicability of rules of practice.

(a) The Uniform Rules of Practice for the Department of Agriculture promulgated in Subpart H of Part 1, Subtitle A, Title 7, Code of Federal Regulations, are the Rules of Practice applicable to adjudicatory, administrative proceedings under sections 4, 6, 7(e), 8, and 401 of the Federal Meat Inspection Act (21 U.S.C. 604, 606, 607(e), 608 and 671). In addition, the Supplemental Rules of Practice set forth in Subpart B of this Part shall be applicable to such proceedings.

(b) The rules of practice set forth in Subpart C of this Part shall be applicable to the suspension of assignment of inspectors for threats to forcibly assault or forcible assault, intimidation or interference with any inspection service employee pursuant to section 305.5(b) of the regulations (9 CFR 305.5(b)) under the Federal Meat Inspection Act. In addition, the definitions applicable to proceedings under the Uniform Rules of Practice (7 CFR 1.132) shall apply with equal force and effect to proceedings under Subpart C.

Subpart B - Supplemental Rules of Practice

§ 335.10 Refusal or withdrawal of inspection service under section 401 of the Act.

If the Administrator has reason to believe that the applicant for or recipient of service under Title I of the Act is unfit to engage in any business requiring such inspection because of any of the reasons specified in section 401 of the Act, he may institute a proceeding by filing a complaint with the Hearing Clerk, who shall promptly serve a true copy thereof upon each respondent, as provided in section 1.147(b) of the Uniform Rules of Practice (9 CFR 1.147(b)).

§ 335.11 Withdrawal of inspection service for failure of an establishment to destroy any condemned carcass or part thereof or any condemned meat or meat food product.

(a) In any situation in which the Administrator has reason to believe that an establishment which receives inspection service under Title I of the Federal Meat Inspection Act has failed to destroy any condemned carcass or part thereof or any condemned meat or meat food product, as required under sections 4 and 6 of the Federal Meat Inspection Act (21 U.S.C. 604 and 606) and the regulations in this subchapter, he may notify the operator of the establishment, orally or in writing, of the Administrator's intent to withdraw (for such period or indefinitely as the Administrator deems necessary to effectuate the purposes of the Act) inspection service from the establishment, pursuant to sections 4, 6, and 401 of the Act (21 U.S.C. 604, 606 and 671)

- 381.132 Approval required for labeling and other devices bearing official inspection marks.
- 381.133 Requirement of formulas and analyses.
- 381.134 Label approvals by the inspector in charge.
- 381.135 Modifications of approved labeling or devices.
- 381.136 Affixing of official identification.
- 381.137 Evidence of labeling and devices approval.
- 381.138 Unauthorized use or disposition of approved labeling or devices.
- 381.139 Removal of official identifications.
- 381.140 Relabeling poultry products.
- 381.141 Reporting of obsolete labels.
- 381.143 Jar closures requirements.

Subpart O-Entry of Articles Into Official Establishments; Processing  
Inspection and Other Reinspections; Processing  
Requirements

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- 381.152 Preparation in an official establishment of articles not for human food.

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- 381.163 "(Kind) baked" or "(Kind) roasted."
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\*

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(§ 381.170(b) continued)

(12) "Quarters" consist of the entire eviscerated poultry carcass, which has been cut into four equal parts, but excluding the neck.

(13) "Breast quarter" consists of half a breast with the wing and a portion of the back attached.

(14) "Breast quarter without wing" consists of a front quarter of a poultry carcass, from which the wing has been removed.

(15) "Leg quarter" consists of a poultry thigh and drumstick, with a portion of the back attached.

(16) "Thigh with back portion" consists of a poultry thigh with back portion attached.

(17) "Legs with pelvic bone" consists of a poultry leg with adhering meat and skin and pelvic bone.

(18) "Wing drummette" consists of the humerus of a poultry wing with adhering skin and meat attached.

(19) "Wing portion" consists of a poultry wing except that the drummette has been removed.

(20) "Cut-up Poultry" is any cut-up or disjointed portion of poultry or any edible part thereof, as described in this section.

(21) "Giblets" consist of approximately equal numbers of hearts, gizzards, and livers, as determined on a count basis.

\* § 381.171 Definition and standard for "Turkey Ham." \*

\* (a) "Turkey Ham" shall be fabricated from boneless, turkey thigh meat \*  
\* with skin and the surface fat attached to the skin removed. The thighs shall \*  
\* be that cut of poultry described in § 381.170(b)(5) of this Part. \*

\* (b) The product may or may not be smoked, and shall be cured using one or \*  
\* more of the approved curing agents as provided in § 381.147(f) of this Part. \*  
\* The product may also contain cure accelerators, phosphates, and flavoring \*  
\* agents as provided in § 381.147(f) of this Part; common salt, sugars, spices, \*  
\* spice extractives, dehydrated garlic, and dehydrated onions; and water for \*  
\* purpose of dissolving and dispersing the substances specified above. \*

\* (c) The cooked finished product weight shall be no more than the original \*  
\* weight of the turkey thigh meat used prior to curing. \*

\* (d) The product name on the label shall show the word "Turkey" in the \*  
\* same size, style, color, and with the same background as the word "Ham" and \*  
\* shall precede and be adjacent to it. \*

\* (e) The product name shall be qualified with the statement "Cured Turkey \*  
\* Thigh Meat." The qualifying statement shall be contiguous to the product name, \*  
\* without intervening type or designs, shall be not less than one-half the size \*  
\* of the product name but not less than one-eighth inch in height, and shall be \*  
\* in the same style and color and with the same background as the product name. \*

\* (f) If the product is fabricated from pieces of turkey thigh meat that \*  
\* result from the cutting through the muscle (as opposed the whole thighs intact \*  
\* or whole thighs with some incidental separation of muscle tissue during removal \*  
\* of the bone), the product name shall be further qualified by a descriptive \*  
\* statement. The product name of product fabricated from such pieces of turkey \*  
\* thigh meat equivalent in size to a one-half inch cube or greater shall be \*  
\* further qualified to specify that the product is "Chunked and Formed." The \*  
\* product name of product fabricated from such pieces of turkey thigh meat \*  
\* smaller than the equivalent of a one-half inch cube shall be further qualified \*  
\* to specify that the product is "Ground and Formed" or "Chopped and Formed" as \*

\* appropriate. The qualifying statement shall immediately follow and be \*  
\* contiguous to the statement required in paragraph (e) of this section, and \*  
\* shall be not less than one-half the size of the product name but not less than \*  
\* one-eighth inch in height, and shall be in the same style and color and with \*  
\* the same background as the product name. \*

## Subpart Q-Records, Registration, and Reports

### § 381.175 Records required to be kept.

(a) Every person within any of the classes specified in subparagraph (1), (2), or (3) of this paragraph is required by the Act to keep such records as are properly necessary for the effective enforcement of the Act:

(1) Any person that engages in the business of slaughtering any poultry or processing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any poultry, for commerce, for use as human food or animal food;

(2) Any person that engages in the business of buying or selling (as a poultry products broker, wholesaler, or otherwise) or transporting, in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any poultry;

(3) Any person that engages in business, in or for commerce, as a renderer, or engages in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter.

(b) The required records are:

(1) Records, such as bills of sale, invoices, bills of lading, and receiving and shipping papers, giving the following information with respect to each transaction in which any poultry or poultry carcass, or part or product of a poultry carcass, is purchased, sold, shipped, received, transported, or otherwise handled by said person in connection with any business subject to the Act.

(i) The name or description of the poultry or other articles;

(ii) The net weight of the poultry or other articles;

(iii) The number of outside containers;

(iv) The name and address of the buyer of the poultry or other articles sold by such person, and the name and address of the seller of the poultry or other articles purchased by such person;

(v) The name and address of the consignee or receiver (if other than the buyer);

(vi) The method of shipment;

(vii) The date of shipment; and

(viii) The name and address of the carrier.

### § 381.176 Place of maintenance of records.

Every person engaged in any business described in § 381.175(a) shall maintain the records required by § 381.175 at the place of business where such business is conducted, except that, if such person conducts such business at multiple locations, he may maintain such records at his headquarters' office. When not in actual use, all such records shall be kept in a safe place at the prescribed location in accordance with good commercial practices.

§ 381.177 Record retention period.

Every record required to be maintained under this subpart shall be retained for a period not to exceed 2 years after December 31 of the year in which the transaction to which the record relates has occurred, and for such further period as the Administrator may require for purposes of any investigation or litigation under the Act, by written notice to the person required to keep such record under this subpart.

§ 381.178 Access to and inspection of records, facilities and inventory; copying and sampling.

Every person within any of the classes specified in § 381.175(a) shall, upon the presentation of official credentials by any authorized representative of the Secretary, during ordinary business hours, permit such representative to enter his or its place of business and examine the records required to be kept by § 381.175(b) and the facilities and inventory pertaining to the business of such person subject to the Act, and to copy all such records, and to take reasonable samples of the inventory upon payment of the fair market value therefor. Any necessary facilities (other than reproduction equipment) for such examination and copying of records and for such examination and sampling of inventory shall be afforded to such authorized representative of the Secretary.

§ 381.179 Registration.

(a) Except as provided in paragraph (c) of this section, every person that engages in business, in or for commerce, as a poultry products broker, renderer, or animal food manufacturer, or engages in business in commerce as a





(§ 381.214 continued)

located when so detained, until released by an authorized representative of the Secretary: Provided, That any such article may be moved from the place at which it is located when so detained, for refrigeration or freezing, or storage purposes if such movement has been approved by an authorized representative of the Secretary and the article so moved will be further detained by an authorized representative of the Secretary after such movement. When the detention of such article is terminated, the owner, his agent, or the carrier or other person having custody of the article who was notified when the article was detained will receive notification of the termination. The notification "Notice of Termination of Detention" (Form MP-487)<sup>1</sup> shall be served either by delivering the notice to the person originally notified, or by certifying and mailing the notification addressed to such person, at his last known residence or principal office or place of business. All official marks may be required by such representative to be removed from such article before it is released unless it appears to the satisfaction of the representative that the article is eligible to retain such marks.

§ 381.215 Poultry or other articles subject to judicial seizure and condemnation.

Any poultry carcass, or part thereof, or any product made wholly or in part from any poultry carcass or part thereof; except those exempted from the definition of a poultry product in § 381.15, or any dead, dying, disabled, or diseased poultry, that is being transported in commerce or is otherwise subject to the Act, or is held for sale in the United States after such transportation, is subject to seizure and condemnation, in a judicial proceeding pursuant to section 20 of the Act if such poultry or other article:

- (a) Is or has been processed, sold, transported, or otherwise distributed or offered or received for distribution in violation of the Act; or
- (b) Is capable of use as human food and is adulterated or misbranded; or
- (c) In any other way is in violation of the Act.

§ 381.216 Procedure for judicial seizure, condemnation, and disposition.

Any poultry or other article subject to seizure and condemnation under this subpart is liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any U.S. district court, or other proper court specified in section 21 of the Act, within the jurisdiction of which the article is found.

§ 381.217 Authority for condemnation or seizure under other provisions of law.

The provisions of this subpart relating to detention, seizure, condemnation and disposition of poultry or other articles do not derogate from authority for retention, condemnation, or seizure conferred by other provisions of the Act, or other laws.

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<sup>1</sup> Copy filed with the Office of the Federal Register as part of the original document.

§ 381.218 Criminal offenses.

The Act contains criminal provisions with respect to numerous offenses specified in the Act, including but not limited to forcible assaults on, or other interference with, any person while engaged in, or on account of the performance of, his official duties under the Act. Criminal provisions with respect to gifts or offers of bribes to such persons and related offenses are contained in the general criminal code (18 U.S.C. 201).

Subpart V-Special Provisions for Designated States and Territories;  
Criteria and Procedure for Designating Establishments With  
Operations Which Would Clearly Endanger the Public Health;  
Disposition of Poultry Products Therein

§ 381.220 Definition of "State".

For purposes of this subpart, the term "State" means any State (including the Commonwealth of Puerto Rico) or organized territory.

§ 381.221 Designation of States under paragraph 5(c) of the Act.

Each of the following States has been designated, under paragraph 5(c) of the Act, as a State in which the provisions of sections 1 through 4, 6 through 10, and 12 through 22 of the Act shall apply to operations and transactions wholly within such State. The Federal provisions apply, effective on the dates shown below:

States	Effective date of application of Federal provisions	
Arkansas.....	Jan. 2, 1971.	
California.....	April 1, 1976.	
Colorado.....	Jan. 2, 1971.	
Connecticut.....	Oct. 1, 1975.	
Georgia.....	Jan. 2, 1971.	
Guam.....	Jan. 21, 1972.	
Idaho.....	Jan. 2, 1971.	
Kentucky.....	July 28, 1971.	
Maine.....	Jan. 2, 1971.	
Massachusetts.....	Jan. 12, 1976.	
Michigan.....	Jan. 2, 1971.	
Minnesota.....	Jan. 2, 1971.	
Missouri.....	Aug. 18, 1972.	
Montana.....	Jan. 2, 1971.	
Nebraska.....	July 28, 1971.	
Nevada.....	July 1, 1973.	
New Hampshire.....	Aug. 6, 1978.	
New Jersey.....	July 1, 1975.	
New York.....	April 10, 1977.	
North Dakota.....	Jan. 2, 1971.	
* Northern Marina Islands.....	Oct. 29, 1979.	*
Oregon.....	Jan. 2, 1971.	
Pennsylvania.....	Oct. 31, 1971.	
Puerto Rico.....	Jan. 17, 1972.	



(§ 381.223 continued)

misbranded, except that the official inspection legend shall not be used. Such products may not enter official establishments. After said 90-day period, only federally inspected and passed products may be distributed within the designated State, except as provided in § 381.10.

§ 381.224 Designation of States under section 11 of the Act; application of sections of the Act and the regulations.

Each of the following States has been designated, effective on the date shown below, under section 11 of the Act, as a State in which the provisions of the sections of the Act and regulations specified below shall apply to operators engaged, other than in or for commerce, in the kinds of business indicated below:

Paragraphs of act and regulations	Classes of operators	State	Effective date
Act, 11(b); §§ 381.175-381.178	Persons engaged (not in or for commerce) in (1) the business of slaughtering any poultry or processing, freezing, packaging, or labeling any poultry carcasses, or parts or products thereof, for use as human food or animal food; (2) the business of buying or selling (as a poultry products broker, wholesaler, or otherwise), transporting or storing any poultry carcasses, or parts or products thereof; or (3) business as a renderer or in the business of buying, selling, or transporting any dead, dying, disabled, or diseased poultry or parts of carcasses of any poultry that died otherwise than by slaughter.	Arkansas	11-12-76
		California	4-1-76
		Colorado	7-1-75
		Connecticut	10-1-75
		Georgia	11-12-76
		Guam	11-19-76
		Idaho	11-12-76
		Kentucky	4-18-73
		Maine	11-12-76
		Massachusetts	1-12-76
		Michigan	4-12-76
		Minnesota	1-31-75
		Missouri	1-31-75
		Montana	1-31-75
		Nebraska	1-31-75
		Nevada	1-31-75
		New Hampshire	10-29-79
		New Jersey	7-1-75
		New York	7-16-75
		North Dakota	7-23-73
		N. Marina Is.	10-29-79
		Oregon	1-31-75
		Pennsylvania	5-2-74
		Puerto Rico	11-19-76
		South Dakota	11-12-76
		Tennessee	10-1-75
		Utah	11-12-76
		Virgin Islands	11-19-76
		Washington	1-31-75
		West Virginia	11-12-76
Act, 11(c); § 381.179	Persons engaged (not in or for commerce) in business as a poultry products	Arkansas	11-12-76
		California	4-1-76
		Colorado	7-1-75
		Connecticut	10-1-75

	broker; renderer; animal food manu- facturer; whole- saler or public warehouseman of poultry carcasses, or parts or prod- ucts thereof; or buying, selling, or transporting dead, dying, disabled, or diseased poul- try or parts of carcasses of any poultry that died otherwise than by slaughter.	Georgia Guam Idaho Kentucky Maine Massachusetts Michigan Minnesota Missouri Montana Nebraska Nevada New Hampshire New Jersey New York North Dakota N. Marina Is. Oregon Pennsylvania Puerto Rico South Dakota Tennessee Utah Virgin Islands Washington West Virginia Arkansas Georgia Guam Idaho Maine Michigan New Hampshire N. Marina Is. Puerto Rico South Dakota Utah Virgin Islands West Virginia	11-12-76 11-19-76 11-12-76 4-18-73 11-12-76 1-12-76 11-12-76 1-31-75 1-31-75 1-31-75 1-31-75 1-31-75 10-29-79 7-1-75 7-16-75 7-23-75 10-29-79 1-31-75 5-2-74 11-19-76 11-12-76 10-1-75 11-12-76 11-19-76 1-31-75 11-12-76 11-12-76 11-12-76 11-12-76 10-29-79 10-29-79 11-19-76 11-12-76 11-12-76 11-19-76 11-12-76		
Act, 11(d); § 381.194	Persons engaged (not in or for commerce) in the business of buying, selling or transporting any dead, dying, disabled or diseased poultry, or parts or carcasses of any poultry that died otherwise than by slaughter.				

§ 381.225 Criteria and procedure for designating establishments with operations which would clearly endanger the public health; disposition of poultry products therein.

(a) An establishment in any State not listed in § 381.221 that is preparing poultry products solely for distribution within such State shall be designated as one producing adulterated products which would clearly endanger the public health, if:

(1) Any poultry product processed at the establishment is adulterated in any of the following respects:

(i) It bears or contains a pesticide chemical, food additive, or color additive, that is "unsafe" within the meaning of sections 408, 409, or 706 of the Federal Food, Drug, and Cosmetic Act or was intentionally subjected to

radiation in a manner not permitted under section 409 of said Act; or if it bears or contains any other added poisonous or added deleterious substance which may render it injurious to health or make it unfit for human food; or

(ii) It consists in whole or in part of any filthy, putrid or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food (for example, it was prepared from a poultry carcass or other ingredients exhibiting spoilage characteristics); or it is, or was prepared from, a poultry carcass which would be required to be condemned under Subpart K at official establishments; or

(iii) It has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to health (for example, if insects or vermin are not effectively controlled at the establishment, or insanitary water is used in preparing poultry products for human food); or

(iv) It is, in whole or in part, the product of poultry that died otherwise than by slaughter; or

(v) Its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; and

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